UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,121	02/27/2002	Alin D'Silva	01-1008	5040

			EXAMINER
32127	7590	08/17/2006	ELAHEE, MD S

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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>5,7,10,16 and 18-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>5,7,10,16 and 18-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/08/2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed 05/03/2006. Claims 5, 7, 10, 16 and 18-20 are pending. Claims 1-3, 6, 8, 9, 11-15 and 17 have been cancelled. Claims 18-20 have been added.

Response to Arguments

2.   Applicant's arguments mailed on 05/03/2006 Remarks have been fully considered but they are not persuasive.

Regarding claim 5, the applicant argues on pages 5 and 6 "Miner describes a reminder entry that permits the connecting of a call to a single party (through the use of a "pointer" stored in the reminder to the contact information of the party), not an event record that includes a plurality of telephone identifiers associated with a plurality of parties or initiating a call to the plurality of parties using the plurality of phone numbers". Examiner respectfully disagrees with this argument. **Miner** discloses a reminder entry [i.e., event record] that permits the connecting of a call not only to a single party but also to multiple parties by using the "Give-Them-A-Call" command by a user (col.42, lines 30-34). The electronic assistant interprets the "Give-Them-A-Call" command as placing the call to multiple parties associated with multiple contacts (col.41, lines 56-63, col.42, lines 30-34). Therefore, it is clear that the reminder entry [i.e., event record] includes a plurality of telephone identifiers associated with a plurality of parties or initiating a call to the plurality of parties using the plurality of phone numbers.

The applicant further argues on page 6 that **Lamb** likewise does not describe such an event record; at best, Lamb describes the establishment of a conference call amongst multiple parties by coordinating the calling of each party into the conference through its "user agent". Examiner again respectfully disagrees with this argument. **Lamb** discloses a manager instructing user agent to make a schedule for a certain time [i.e., event record] for each of his employees [i.e., plurality of parties] for a conference call (col.54, lines 55-67). However, examiner didn't rely upon **Lamb** for this teaching. Examiner relied upon **Lamb** for the teaching of requesting authorization from the user by instant message sent via the data network (col.54, lines 17-41, col.59, line 53-col.60, line 9).

Claims 10, 16 and 18 are rejected for the same reasons as discussed above with respect to claim 5.

Claim Objections

3.   Claim 10 is objected to because of the following informalities: The use of phrase "plurality of and" in line 6 of the claim makes the claim indefinite. It appears that the phrase "plurality of and" would be "plurality of parties and". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Regarding claim 10, the phrase 'the one or more parties' in line 16 of the claim lacks

sufficient antecedent basis because it appears that the phrase 'the one or more parties' should be

'the parties'.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
        or nonobviousness.

7.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 5, 7, 10, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Miner** et al. (U.S. Patent No. 5,652,789) in view of **Lamb** et al. (U.S. Patent No. 6,747,970).

Regarding claims 5, 16 and 18, **Miner** teaches establishing at least one reminder data [i.e., event record] corresponding to the call, the reminder data comprising user information and a plurality of telephone identifiers associated with the plurality of parties (fig.29, 30; col.39, line 48- col.40, line 5, col.40, lines 15-34, 55-64);

associating the reminder data with an event time (col.40, lines 15-34);

requesting authorization from the user to initiate the call, based on a current time and the event time (col.41, lines 53-63); (Note; since the user elects not to reschedule the reminder, the user authorizes the electronic assistant to place the call)

However, **Miner** does not specifically teach "requesting authorization from the user by instant message sent via the data network". **Lamb** teaches requesting authorization from the user by instant message sent via the data network (fig.12; col.54, lines 17-41, col.59, line 53-col.60, line 9). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Miner** to request authorization from the user by instant message sent via the data network taught by **Lamb**. The motivation for the modification is to have doing so in order to dispose important event without having any inconvenience.

Miner further teaches initiating the call to the plurality of parties on behalf of the user using the plurality of telephone identifiers, based on an affirmative response to the authorization request from the user, the affirmative response sent by the user over the data network (fig.5, 6; col.41, lines 53-63, col.42, lines 30-34).

Regarding claim 10, **Miner** teaches a receiver for receiving, via a data network, reminder data [i.e., event data] associated with the caller (fig.29, 30; col.40, lines 15-43);

a calendar system for storing event data comprising a plurality of parties and a time period for connecting (fig.29, 30; col.40, lines 6-64, col.40, line 66- col.41, line 22, col.41, lines 56-63, col.42, lines 30-34);

providing a contact [i.e., first telephone number] associated with the caller and the plurality of telephone identifiers to the telephone network in order to establish a call connection between the first telephone number and each of the plurality of telephone identifiers (fig.29, 30; col.40, lines 6-64, col.41, lines 56-63, col.42, lines 30-34);

an electronic assistant [i.e., transmitter] connecting the user [i.e., caller] via the telephone network to the parties based on the reminder data, wherein the transmitter determines a current time is within the time period for connecting, notifying the caller that the call is about to take place, receives "Give-Them-A-Call" command [i.e., confirmation] from the caller via the data network to initiate the connection to the one or more parties, determines based on the event data the first telephone number and the plurality of telephone identifiers (fig.5, 31; col.11, lines 22-25, col.40, line 66- col.41, line 22, col.41, lines 56-63) (fig.5, 6, 31; col.11, lines 22-25, col.40, line 60- col.41, line 6-22, col.41, lines 53-63, col.42, lines 30-34); (Note; when delivery time

comes in, the Cron agent sends the reminder parcel to the user and the reminder message is for

calling up a contact, therefore, it is clear that the Cron agent determines a current time which is

within the time period for connecting the call)

Miner further teaches sending notification message to the user by sending an e-mail

message (col.8, lines 3-7). However, **Miner** does not specifically teach "notifying the user by

instant message sent via the data network". **Lamb** teaches notifying the user by instant message

sent via the data network (fig.12; col.53, lines 37-55, col., lines 53-61). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify

Miner to notify the user by instant message sent via the data network taught by **Lamb**. The

motivation for the modification is to have doing so in order to notify user while user is on-line

without having any inconvenience.

Miner further teaches providing the first telephone number and the second telephone

number to an electronic assistant (fig.31; col.40, lines 6-43, col.40, line 66- col.41, line 22).

However, **Miner** does not specifically teach providing the first telephone number and the

plurality of telephone identifiers to the server as well as providing a first telephone number and

plurality of telephone identifiers from the server to the telephone network in order to establish

the call. **Lamb** teaches providing the first telephone number and the plurality of telephone

identifiers to a server as well as providing the first telephone number and the plurality of

telephone identifiers from the server to the telephone network in order to establish the call

(fig.3; col.18, lines 20-40, col.20, lines 6-27, col.26, lines 24-55, col.27, line 61-col.28, line 25,

lines 33-54, col.41, lines 11-17, col.61, lines 11-61). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify **Miner** to incorporate

providing the first telephone number and the plurality of telephone identifiers to the server as well as providing a first telephone number and plurality of telephone identifiers from the server to the telephone network in order to establish the call taught by **Lamb**. The motivation for the modification is to have doing so in order to reduce the burden on electronic assistant to handle excessive number of call connections.

Regarding claim 7, **Miner** teaches the electronic assistant system [i.e., calendar system] to updating the reminder data (fig.32; col.42, lines 7-32).

Regarding claims 19 and 20, **Miner** does not specifically teach "sending the instant message to each of the plurality of parties". **Lamb** teaches sending the instant message to each of the plurality of parties (fig.12; col.54, lines 17-41, 55-63). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Miner** to send the instant message to each of the plurality of parties taught by **Lamb**. The motivation for the modification is to have doing so in order to make a schedule for initiating a conference call to multiple parties by sending instant messages to each of the multiple parties.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McClennon et al. (U.S. 6,408,327) teach Synthetic stereo conferencing over LAN/WAN;

Fuller (U.S. 6,775,546) teach Mobile telephone system; and

Kung et al. (U.S. 6,816,469) teach IP conference call waiting.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536.   The

examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547.   The fax phone number for the

organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 13, 2006

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